



*Minnesota Board of Cosmetologist Examiners*  
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## Minnesota Board of Cosmetologist Examiners

### REQUEST FOR COMMENTS

**Request for Comments on Possible Amendments to Rules Governing the Licensure and Practice of Cosmetologists, Estheticians, Nail Technicians, Instructors and School Managers, and the Licensure and Operation of Salons and Schools, *Minnesota Rules*, chapters 2105 and 2110; Revisor's ID Number 0-4258**

**Subject of Rules.** The Minnesota Board of Cosmetologist Examiners requests comments on its plans to amend *Minnesota Rules* chapters 2105 and 2110.

The purpose of this major rules overhaul is to update rules regarding infection control, to correct gaps identified while administering the rules, to simplify language, to reorganize rules to make it easier to find information, to update terminology, to remove unnecessary requirements, and to address obsolete rules, errors, omissions, and inconsistencies in the rules.

The Board is considering possible amendments to rules governing the licensure and practice of cosmetologists, estheticians, nail technicians, instructors, and school managers; and rules governing the licensure and operations of salons and schools.

The Board is also seeking comments and suggestions for additional changes and corrections for any of the rules administered by the Board, although major curriculum or major licensing changes for schools are likely to be reviewed later as part of separate rules proceeding.

Topics of Proposed Amendment: *To see all the proposed changes under consideration, please review the working drafts.*

- Definitions: (considering adding, amending and repealing certain definitions);
- Advertising (considering web and social media in the definition, requiring license numbers of salons to be included in advertising);
- Individual license application and renewal requirements (considering simplifying and clarifying the licensing and renewal processes, eliminating work experience requirements for renewal of license, explaining renewal audits);

- License transfer from other states and countries (considering clarifying and simplifying requirements, providing alternative ways of verifying license histories from other states);
- Inspections (considering clarifying how inspection fines are applied, and updating inspection report and notice requirements);
- Instructors (considering increasing the experience and education requirements to become licensed, clarifying the topic areas of continuing education requirements);
- Estheticians and Cosmetologists working in a doctor's office (considering clarifying when licensed services are "in conjunction with medical treatment", and defining "doctor" and "doctor's office");
- School managers (considering changing renewal requirements to include a continuing education requirement instead of work experience);
- Refresher courses (considering eliminating refresher courses and replacing them with a shorter, targeted competency course to update the skills of cosmetologists, estheticians and nail technicians);
- Examinations (considering simplifying rule language, removing obsolete requirements, and clarifying expiration date of exam scores);
- Continuing Education Course requirements (considering requiring a licensed instructor, clarifying credit hours, identifying record keeping requirements);
- Infection control (considering updating and clarifying infection control requirements for all licensees);
- License posting requirements (considering requiring either the license or the licensee's name as shown on the license to be posted at the work station);
- Revoked Licenses (considering revising requirements to become relicensed after a license has been revoked);
- Inactive Licenses (considering renaming these as retired licenses, and simplifying the process to become relicensed after the license has become retired);
- Designated Licensed Salon Manager (considering clarifying the DLSP's responsibilities and requirements for notifying the board of a change);
- Salon licensure and renewal requirements (considering simplifying requirements for initial licensure and for license renewal, clarifying salon requirements to notify the Board of changes);
- Salon operational and physical requirements (considering eliminating unnecessary requirements regarding salon space, simplifying language, amending or adding notices required to be posted at work stations, clarifying requirements for hand washing sinks; adding a requirement to post the salon name or address at the entrance, prohibiting carpet in service areas, stating requirements regarding use of extensions cords and power strips, addressing dispensary requirements, updating restroom requirements, requiring SDS sheets, establishing conditions for autoclave use, and eliminating any requirements for independent contractors);
- Certificate of Identification (considering removing requirement for applicant to be employed in a salon, adding a requirement for liability insurance);
- Nursing homes (considering clarifying when salons in licensed nursing homes need to be licensed);

- School licensure (considering clarifying requirements for licensure and maintaining licensure and changes to reporting requirements on instructor student ratios and unlicensed substitute instructors);
- School curriculum (considering clarifying requirements and minor changes to the distribution of clinical exercises to include waxing applications);
- Other issues that may be raised by parties commenting on the working draft rules in this rules process or may come up.

**Persons Affected.** The proposed rules would likely affect the following groups:

- Licensees and applicants for licenses
- Licensed nursing homes
- State and local fire marshals

**Statutory Authority.** *Minnesota Statutes*, section 155A authorizes the Board to develop and adopt rules necessary to carry out its statutory responsibilities. Specifically:

A. §155A.27 Subd. 2., which states:

Qualifications for licensing in each classification shall be determined by the board and established by rule, and shall include educational and experiential prerequisites. The rules shall require a demonstrated knowledge of procedures necessary to protect the health of the practitioner and the consumer of cosmetology services, including but not limited to chemical applications.

B. §155A.27 Subd. 7., which states:

Renewal of license shall be for a period of three years under conditions and process established by rule.

C. §155A.29 Subd. 2., which states:

The conditions and process by which a salon is licensed shall be established by the board by rule.

D. §155A.29 Subd. 3., which states:

Minimum health and sanitary standards for the operation of a salon shall be established by rule.

E. §155A.30 Subd. 2., which states:

The board shall by rule establish minimum standards of course content and length specific to the educational preparation prerequisite to testing and licensing as cosmetologist, esthetician, and manicurist.

**Rules Drafts.** The Board drafted possible rules amendments and possible rules repeals in a working draft. The working rules drafts are available on the Board's website at [www.bceboard.state.us.mn](http://www.bceboard.state.us.mn)

**Public Comment.** Interested persons or groups may submit comments or information in writing on the working draft of possible rules and amendments to rules until 4:30 p.m. on December 15, 2014. The Board will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. The Board does not plan to appoint an advisory committee to comment on the possible rules.

**Agency Contact Person.** Written comments, questions and requests to receive a copy of the working draft of the rules, should be directed to: Rebecca Gaspard at [Rebecca.gaspard@state.mn.us](mailto:Rebecca.gaspard@state.mn.us), phone 651-201-2751, or BCE, 2829 University Avenue Southeast, Suite 710, Minneapolis, Minnesota, 55414, or faxed to 612-617-2601. TTY users may call 1-800-627-3529.

**Alternative Format.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

**NOTE:** This rulemaking phases is intended to solicit informal feedback from cosmetologists, estheticians, nail technicians, salons, instructors, school managers, schools, and other interested parties on the working draft rules before the rules are finalized for the last phase. The last phase is a formal process that begins with a Notice of Intent to adopt the rules. An Administrative Law Judge will then review the proposed rules and will preside over public hearings on the proposed rules if any hearings are held. Therefore, comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the Administrative Law Judge. The board is required to submit to the judge only those written comments after the rules are proposed in the second phase. If you submit comments in response to this notice and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

10/3/14

Gina Stauss  
Executive Director  
Board of Cosmetologist Examiners